

**Date: December 20, 2004**

**From: Christine A. Hopper  
Defense Energy Support Center/DESC-BZD  
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Ft. Belvoir, VA 22060-6222  
FAX: (703) 767-9044**

**SUBJECT: Western Pacific (WESTPAC) MUM Supplemental  
Solicitation SP0600-04-R-0077-0001**

1. This is supplemental solicitation SP0600-04-R-0077-0001 for the purchase of Gasoline, Auto, Midgrade 89 Octa, MUM. This solicitation incorporates the terms and conditions of Solicitation SP0600-04-R-0077 (WESTPAC) issued on July 2, 2004 and Amendments 0001-0004, with the exception of clause deletions, modifications and additions reflected herein. (If you need a copy of SP0600-04-R-0077, please visit our web site at <http://www.desc.dla.mil>).
2. Clause B1, SUPPLIES TO BE FURNISHED (BULK) (DESC SEP 2001) is amended as follows:
  - (a) The minimum and maximum quantities are defined in the DELIVERY-ORDER LIMITATIONS – SCOPE OF CONTRACT clause.
  - (b) The supplies to be furnished during the contract period and all associated data are as follows:

Item/Product/Specification	Estimated Quantity (USG)
GASOLINE, AUTO, MIDGRADE, 89 OCTA, MUM NSN: 9130-01-272-0983 SPECIFICATION: As Implemented by Clause C16.18-6 Purchase Program No: 1.1a	1,260,000

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<u>LINE ITEM</u>	<u>DODAAC</u>	<u>SPLC</u>	<u>LOCATION</u>
0101	N69182	940002270	DFSP AKASAKI, JAPAN

QUANTITY 1,260,000

MODE	FSII	SDA	CI
TANKER	NONE	NONE	NONE

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<u>LINE ITEM</u>	<u>DODAAC</u>	<u>SPLC</u>	<u>LOCATION</u>
0102	W811AC	930000240	KWAJALEIN MISSILE RANGE, MA

QUANTITY 210,000

\*\* END USER CAN BE SUPPLIED THROUGH TERMINAL DFSP AKAZAKI, JAPAN

MODE	FSII	SDA	CI
BARGE	NONE	NONE	NONE
TANKER	NONE	NONE	NONE

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<u>LINE ITEM</u>	<u>DODAAC</u>	<u>SPLC</u>	<u>LOCATION</u>
0103	N68539	960001270	DFSP DIEGO GARCIA, UK

QUANTITY 1,050,000

\*\* END USER CAN BE SUPPLIED THROUGH TERMINAL DFSP AKASAKI, JAPAN

MODE	FSII	SDA	CI
BARGE	NONE	NONE	NONE
TANKER	NONE	NONE	NONE

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**NOTES:**

- (a) Tanker offers must be on a FOB Origin Basis, unless tanker destination offer is in country using an in-country flag vessel. For the purpose of evaluating offers, T-1 and coastal tankers will be evaluated against requirements identified with "barge" receipt mode only. Accordingly, offers must specify barge mode if they desire offered quantities to be considered for award and subsequent lift by T-1 or coastal tanker assets operated by the Government in the Korea-Japan corridor. Demurrage and loading conditions are as specified in solicitation Clause F15 BARGE AND/OR T-1 CLASS TANKER DEMURRAGE AND LOADING CONDITIONS.
- (b) DESC reserves the right to reject any offer requiring the use of DESC facilities for delivery by Tanker or Barge to requiring activity.
- (c) FOB origin barge offers originating from suppliers in Japan will be evaluated only to locations in Japan.
- (d) Evaluation of tanker (TK) mode offers will be in accordance with Clause M24.03, EVALUATION OF OFFERS INVOLVING F.O.B. TANKER LOADING (DESC JAN 2003) including the note below.

For MUM, the Government will load no more than 30,000 barrels of product per shipload.  
All offers will be evaluated assuming a maximum loading of 30,000 barrels of product.

3. In accordance with Clause F1.25, DELIVERY AND ORDERING PERIODS (DESC JUL 1995), the ordering and delivery periods will be:

- (a) Ordering Period Begins: Date of Award and Ends: May 30, 2005.
- (b) Delivery Period Begins: March 1, 2005 and Ends: April 30, 2005 plus a 30-day carry-over period.

4. The following will be incorporated into paragraph (f) Table of Clause B19.34, ECONOMIC PRICE ADJUSTMENT (OVERSEAS BULK) (DESC APR 1997):

REFERENCE PRICE TABULATION				
ITEM NO. (LISTED ITEMS)	NAME OF PUBLICATION	HEADING UNDER WHICH REFERENCE PRICE IS PUBLISHED AND NAME OF PRODUCT	LOCATION WHERE REFERENCE PRICE IS APPLICABLE	REFERENCE PRICE AS OF JUNE 9, 2004 (EXCLUDES ALL TAXES)
See Below	Platt's Oilgram Price Report (U.S. Edition)	Product Price Assessments (Singapore/Japan Cargoes)	See Below	Compute average low/high for ten published effective days' price preceding date of lift.

PRODUCT (ITEM NO.)	REFERENCE PRODUCT (LOCATION)	REFERENCE PRICE/USG EFFECTIVE JUNE 9, 2004
MUM	MOGAS UNL (C& F Japan Cargoes)	\$1.204881

5. No hard copy of this solicitation will be issued however, the following information must be provided with your initial offer:

#### Offer Schedule

Line Item	Product	Quantity (USG)	Mode	(O) Orig or (D) Dest	Shipping/FOB Point	Offer Unit Price (USD/USG) Effective June 09, 2004
0101	MUM					
0102	MUM					
0103	MUM					

(a) State the minimum/maximum quantities for award by shipping point for each method of delivery:

Product	Mode	Shipping Point	Minimum Qty (USG)	Maximum Qty (USG)
0101/ MUM				
0102/ MUM				
0103/ MUM				

(b) State minimum/maximum quantities (parcel size) for each individual lift per shipping point for each method of delivery:

Product	Mode	Shipping Point	Minimum Qty (BBLs)	Maximum Qty. (BBLs)
0101/ MUM				
0102/ MUM				
0103/ MUM				

(c) State the maximum quantity available per month for per shipping point for each method of delivery:

Product	Mode	Shipping Point	Maximum Monthly Quantity (USG)
0101/ MUM			
0102/ MUM			
0103/ MUM			

- (d) State the minimum number of days between lifts per shipping point (please state if there is no interval required between lifts):

Product	Mode	Shipping Point	Number of Days between Lifts
0101/ MUM			
0102/ MUM			
0103/ MUM			

**NOTES:**

1. FOR EVALUATION PURPOSES ONLY: DESC will add 5 days to offered tanker lift intervals to determine if the maximum total quantity offered for each item can be lifted under a resultant contract. **Additionally, if multiple lift intervals are offered, DESC will evaluate the maximum quantity for award based on the most restrictive lift interval.** This evaluation factor was derived from operational scheduling realities and will only be used for evaluation purposes. The Government reserves the right to schedule lifts in accordance with the lift intervals indicated in the Schedule of the resultant contract. If the evaluation of each item results in less total quantity than the total quantity offered for that item, then the Government may not award more than the evaluated total quantity. However, offerors should consider the Government's evaluation factors for tanker lift intervals to assure lift intervals and parcel sizes provide for full evaluation of total offered quantity for all items by all modes of delivery.
  2. Unless you define otherwise, lift interval is the time between when the vessel completes loading (released by the Government Inspector) until the Scheduled Delivery Date of the next lifting for a specific product.
  3. For companies offering FOB destination barge, the additional three (3) days that are added on the lift interval for evaluation purposes does not apply. In addition, offers FOB destination barge are not penalized for any operational constraints such as daylight berthing and quantities less than a full vessel.
- (e) Identify the mean low water (MLW) depth at the shipping point and the channel approach leading to the dock (Identify the most restrictive point).

Feet	Shipping Point

Any water depth draft at mean low water of less than 38 feet (36 feet from Clause F52 plus 2 feet for safety allowance) for TANKER and 24 feet (22.5 feet plus 1.5 feet for safety allowance) for BARGE, will receive an evaluation penalty.

- (f) State your vessel length overall (LOA) restriction/capacity for each shipping point:

LOA	Shipping Point

Minimum LOA of **715 feet** for TANKER lifts and 396 feet for BARGE is required in order to accommodate vessels employed by the Government for FOB Origin requirements specified in this solicitation.

- (g) Specify any other port restrictions that would apply to a vessel loading at the facility (i.e., height restrictions from vessel waterline to vessel manifold; vessel dead weight tonnage (DWT); requirements for inert gas systems; vapor control hook-ups; closed loading; vessel inspections; daylight berthing only, etc): \_\_\_\_\_

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- (h) Specify operating hours for berthing and loading:

BERTHING: \_\_\_\_\_

LOADING: \_\_\_\_\_

- (i) Please provide the Maximum Tanker/Barge Size your facility can handle.

Cargo Capacity: \_\_\_\_\_

Beam: \_\_\_\_\_

- (j) Please provide the Maximum Shipping Rate in Barrels Per Hour.

Tanker: \_\_\_\_\_

(k) Please provide any vetting criteria.

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(l) Please provide DUNS number:

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**NOTES:**

- A. Please see Clause F52.01, which provides the standards for accepting or rejecting a vessel. This clause will apply to all vessels utilized by DESC including spot charters.
- B. Any restriction is subject to the Government applying a transportation penalty for evaluation purposes. Any restriction not identified will not be considered when calculating laytime allowance (See Clauses F15/F52).
- C. **Acceptance of the terms and conditions of RFP SP0600-04-R-0077 and Amendments 0001 – 0004 are required and must be stated in the offer.**
- D. **Certifications & Representations:** If you submitted an offer under RFP SP0600-04-R-0077, please confirm in writing that the certifications and representations of the offer remain in effect for your offer under RFP SP0600-04-R-0077-0001. Please complete the following attached clause, updated from the basic solicitation, SP0600-04-R-0077 and return with initial offer.

**K1.01-10 OFFEROR REPRESENTATIONS AND CERTIFICATIONS –  
COMMERICAL ITEMS (ALTERNATES I/II)(MAY 2004/APR 2002/OCT 2000)**

- E. **Closing date and time for this solicitation is January 31, 2005 at 1:00 p.m. (1300 hours), local time, Ft. Belvoir, Virginia, USA.**
- F. Offers received after the date and time specified above will be considered late in accordance with paragraph (f) to Clause L2.05-2 INSTRUCTIONS TO OFFERORS – COMMERCIAL ITEMS (BULK) (DESC SEP 2000).
- G. The facsimile transmission number is (703) 767-0488. If for any reason you experience any difficulties with this number, or if you have any questions concerning this solicitation please contact Contract Specialist, Christine Hopper at telephone (703) 767-9254.



- H. The following tentative negotiation schedule is provided for planning purposes. Note on this schedule is subject to change at any time:

<b>January 31, 2004</b>	<b>INITIAL OFFER CLOSING DATE (1:00 P.M.)</b>
<b>February 2, 2004</b>	<b>NEGOTIATIONS OPEN</b>
<b>February 16, 2004</b>	<b>NEGOTIATIONS CLOSE</b>

*Claudia W. Stites*  
CLAUDIA W. STITES  
Overseas Contracting Officer

# **K1.01-10 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS (ALTERNATES I/II)**

**(MAY 2004/APR 2002/OCT 2000)**

(a) **DEFINITIONS.** As used in this provision--

(1) **Emerging small business** means a small business concern whose size is no greater than 50 percent of the numerical size standard for the NAICS code designated.

(2) **Forced or indentured child labor means** all work or service—

(i) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(ii) Performed by any person under the age of 18 pursuant to a contract, the enforcement of which can be accomplished by process of penalties.

(3) **Service-disabled veteran-owned small business concern—**

(i) Means a small business concern—

(A) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(B) The management and daily business operations are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(ii) **Service-disabled veteran** means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

(4) **Small business concern** means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and size standards in this solicitation.

(5) **Veteran-owned small business concern means a small business concern—**

(i) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly-owned business, not less than 51 percent of the stock of which is owned by one or more veterans, and

(ii) The management and daily business operations of which are controlled by one or more veterans.

(6) **Women-owned business concern** means a concern that is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(7) **Women-owned small business concern** means a small business concern--

(i) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(ii) Whose management and daily business operations are controlled by one or more women.

(b) **TAXPAYER IDENTIFICATION NUMBER (TIN) (26 U.S.C. 6109, 31 U.S.C. 7701).** (Not applicable if the offeror is required to provide this information to a central contractor registration database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (b)(3) through (b)(5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

## K1.01-10 CONT'D

**(3) TAXPAYER IDENTIFICATION NUMBER (TIN).**

- ☐ TIN: \_\_\_\_\_  
☐ TIN has been applied for.  
☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.

- ☐ Offeror is an agency or instrumentality of a foreign government;  
☐ Offeror is an agency or instrumentality of a Federal government;

**(4) TYPE OF ORGANIZATION.**

- ☐ Sole proprietorship;  
☐ Partnership;  
☐ Corporate entity (not tax-exempt);  
☐ Corporate entity (tax-exempt);  
☐ Government entity (Federal, State, or local);  
☐ Foreign government;  
☐ International organization per 26 CFR 1.6049-4;  
☐ Other: \_\_\_\_\_.

**(5) COMMON PARENT.**

- ☐ Offeror is not owned or controlled by a common parent.  
☐ Name and TIN of common parent:

Name \_\_\_\_\_

TIN \_\_\_\_\_

(c) Offerors must complete the following representations when the resulting contract is to be performed in the United States or its outlying areas. Check all that apply.

**(1) SMALL BUSINESS CONCERN.** The offeror represents as part of its offer that it--

- ☐ is  
☐ is not

a small business concern.

**(2) VETERAN-OWNED SMALL BUSINESS CONCERN.** (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents as part of its offer that it--

- ☐ is  
☐ is not

a veteran-owned small business concern.

## K1.01-10 CONT'D

**(3) SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERN.**

**(Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(2) of this provision.)** The offeror represents as part of its offer that it—

☐ is  
☐ is not

a service-disabled veteran-owned small business concern.

**(4) SMALL DISADVANTAGED BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents, for general statistical purposes, that it--

☐ is  
☐ is not

a small disadvantaged business concern as defined in 13 CFR 124.1002.

**(5) WOMEN-OWNED SMALL BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents that it--

☐ is  
☐ is not

a woman-owned small business concern.

**NOTE: Complete paragraphs (c)(6) and (c)(7) only if this solicitation is expected to exceed the simplified acquisition threshold.**

**(6) WOMEN-OWNED BUSINESS CONCERN (OTHER THAN SMALL BUSINESS CONCERN). (Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents that it -

☐ is

a women owned business concern.

**(7) TIE BID PRIORITY FOR LABOR SURPLUS AREA CONCERNS.** If this is an invitation for bid, small business offerors may identify the labor surplus areas in which costs to be incurred on account of manufacturing or production (by offeror or first-tier subcontractors) amount to more than 50 percent of the contract price.

**(8) SMALL BUSINESS SIZE FOR THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM AND FOR THE TARGETED INDUSTRY CATEGORIES UNDER THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.** (Complete only if the offeror has represented itself to be a small business concern under the size standards for this solicitation.)

## K1.01-10 CONT'D

(i) **(Complete only for solicitations indicated in an addendum as being set-aside for emerging small businesses in one of the four designated industry groups (DIGs)).** The offeror represents as part of its offer that it--

☐ is  
☐ is not

an emerging small business.

(ii) **(Complete only for solicitations indicated in an addendum as being for one of the targeted industry categories (TICs) or four designated industry groups (DIGs)).** The offeror represents as follows:

(A) The offeror's number of employees for the past 12 months (check the Employees column if size standard stated in the solicitation is expressed in terms of number of employees); or

(B) The offeror's average annual gross revenue for the last 3 fiscal years (check the Average Annual Gross Number of Revenues column if size standard stated in the solicitation is expressed in terms of annual receipts).

(Check one of the following:)

<u>NUMBER of EMPLOYEES</u>	<u>AVERAGE ANNUAL GROSS REVENUES</u>
<input type="checkbox"/> 50 or fewer	<input type="checkbox"/> \$1 million or less
<input type="checkbox"/> 51 - 100	<input type="checkbox"/> \$1,000,001 - \$2 million
<input type="checkbox"/> 101 - 250	<input type="checkbox"/> \$2,000,001 - \$3.5 million
<input type="checkbox"/> 251 - 500	<input type="checkbox"/> \$3,500,001 - \$5 million
<input type="checkbox"/> 501 - 750	<input type="checkbox"/> \$5,000,001 - \$10 million
<input type="checkbox"/> 751 - 1,000	<input type="checkbox"/> \$10,000,001 - \$17 million
<input type="checkbox"/> Over 1,000	<input type="checkbox"/> Over \$17 million

(9) **(Complete only if the solicitation contains the clause at FAR 52.219-23, NOTICE OF PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS, or FAR 52.219-25, SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM - DISADVANTAGED STATUS AND REPORTING, and the offeror desires a benefit based on its disadvantaged status.)**

(i) **GENERAL.** The offeror represents that either--

(A) It--

☐ is  
☐ is not

certified by the Small Business Administration as a small disadvantaged business concern and identified, on the date of this representation, as a certified small disadvantaged business concern in the database maintained by the Small Business Administration (PRO-Net), and that no material change in disadvantaged ownership and control has occurred since its certification, and, where the concern is owned by one or more individuals claiming disadvantaged status, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); or

## K1.01-10 CONT'D

(B) It--

☐ has  
☐ has not

submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

(ii) **JOINT VENTURE UNDER THE PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS.** The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements in 13 CFR 124.1002(f) and that the representation in paragraph (c)(9)(i) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture: \_\_\_\_\_.

(iii) **ADDRESS.** The offeror represents that its address—

☐ is  
☐ is not

in a region for which a small disadvantaged business procurement mechanism is authorized and its address has not changed since its certification as a small disadvantaged business concern or submission of its application for certification. The list of authorized small disadvantaged business procurement mechanisms and regions is posted at <http://www.arnet.gov/References/sdbadjustments.htm>. The offeror shall use the list in effect on the date of this solicitation. **Address**, as used in this provision, means the address of the offeror as listed on the Small Business Administration's register of small disadvantaged business concerns or the address on the completed application that the concern has submitted to the Small Business Administration or a Private Certifier in accordance with 13 CFR part 124, subpart B. For joint ventures, **address** refers to the address of the small disadvantaged business concern that is participating in the joint venture.

(10) **HUBZONE SMALL BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents as part of its offer that--

(i) It--

☐ is  
☐ is not

a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns Maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

(ii) It--

☐ is  
☐ is not

## K1.01-10 CONT'D

a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (c)(10)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. **(The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:**

\_\_\_\_\_.)

**Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.**

**(11) (Complete if the offeror represented itself as disadvantaged in paragraph (c)(4) or (c)(9) of this provision.)** The offeror shall check the category in which its ownership falls:

☐ Black American

☐ Hispanic American

☐ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

☐ Asian-Pacific American (persons with origin from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

☐ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

☐ Individual/concern, other than one of the preceding.

**(d) REPRESENTATIONS REQUIRED TO IMPLEMENT PROVISIONS OF EXECUTIVE ORDER 11246.**

**(1) PREVIOUS CONTRACTS AND COMPLIANCE.** The offeror represents that--

(i) It--

☐ has

☐ has not

participated in a previous contract or subcontract subject to the EQUAL OPPORTUNITY clause of this solicitation; and

(ii) It--

☐ has

☐ has not

filed all required compliance reports.

## K1.01-10 CONT'D

**(2) AFFIRMATIVE ACTION COMPLIANCE.** The offeror represents that--**(i) It--**

☐ has developed and has on file

☐ has not developed and does not have on file

at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR Subparts 60-1 and 60-2), or

**(ii) It--**

☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

**(e) CERTIFICATION REGARDING PAYMENTS TO INFLUENCE FEDERAL TRANSACTIONS (31 U.S.C. 1352).** (Applies only if the contract is expected to exceed \$100,000). By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract.

**(f) TRADE AGREEMENTS CERTIFICATE (JAN 2004) (DFARS 252.225-7020).** (Applies only if DFARS clause 252.225-7021, TRADE AGREEMENTS (JAN 2004), is incorporated by reference in this solicitation.) DFARS 252.225-7020 is hereby incorporated by reference in its entirety; only the certification portion is reproduced below.

(1) For all line items subject to the TRADE AGREEMENTS clause of this solicitation, the offeror certifies that each end product to be delivered under this contract, except those listed in subparagraph (2) below, is a U.S.-made qualifying country, designated country, Caribbean Basin country, or Free Trade Agreement country end product.

(2) The following supplies are other nondesignated country end products:

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(Insert line item no.)

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(Insert country of origin)

**(g) BUY AMERICAN ACT – FREE TRADE AGREEMENTS – BALANCE OF PAYMENTS PROGRAM CERTIFICATE (JAN 2004) (DFARS 252.225-7035).** (Applies only if DFARS clause 252.225-7036, BUY AMERICAN ACT – FREE TRADE AGREEMENTS – BALANCE OF PAYMENTS PROGRAM (JAN 2004) is incorporated by reference in this solicitation.) DFARS 252.225-7035 is hereby incorporated by reference in its entirety; only the certification portion is reproduced below.

(1) For all line items subject to the BUY AMERICAN ACT – FREE TRADE AGREEMENTS – BALANCE OF PAYMENTS PROGRAM clause of this solicitation, the offeror certifies that—

(i) Each end product, except the end products listed in subparagraph (2) below, is a domestic end product; and

(ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.



## K1.01-10 CONT'D

(2) The offeror shall identify all end products that are not domestic end products.

(i) The offeror certifies that the following supplies are qualifying country (except Canadian) end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin)

(ii) The offeror certifies that the following supplies are Free Trade Agreement country end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin)

(iii) The following supplies are other foreign end products including end products manufactured in the United States that do not qualify as domestic end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin (if known))

**(h) CERTIFICATION REGARDING DEBARMENT, SUSPENSION OR INELIGIBILITY FOR AWARD (EXECUTIVE ORDER 12549).**

The offeror certifies, to the best of its knowledge and belief, that--

(1) The offeror and/or any of its principals

[ ] are  
[ ] are not

presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency, and

(2) [ ] have or  
[ ] have not,

within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, state or local government contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

[ ] are or  
[ ] are not

presently indicted for, or otherwise criminally or civilly charged by a government entity with, commission of any of these offenses.

## K1.01-10 CONT'D

**(i) CERTIFICATION REGARDING KNOWLEDGE OF CHILD LABOR FOR LISTED END PRODUCTS (EXECUTIVE ORDER 13126).** [The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, unless excluded at 22.1503(b).]

(1) List End Product.

_____ (Insert end product)	_____ (Insert country of origin)
_____ (Insert end product)	_____ (Insert country of origin)
_____ (Insert end product)	_____ (Insert country of origin)
_____ (Insert end product)	_____ (Insert country of origin)
_____ (Insert end product)	_____ (Insert country of origin)

**(2) CERTIFICATION.** [If the Contracting Officer has identified end products and countries of origin in paragraph (i)(1) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]

(i) ☐ The offeror will not supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

(ii) ☐ The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(FAR 52.212-3/Alternates I/II)